IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION No.1348 OF 2007

Between:

K.Sailaja and another.

..... PETITIONERS

AND

The Regional Director of Medical and Health Services, Rajahmundry, East Godavari Dist.

....RESPONDENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION No.348 OF 2007
O R D E R
(Per Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.3428 of 2006, dated 22.12.2006, the unsuccessful petitioners therein filed the present writ petition.

The second petitioner herein is the wife of one Mr.K.S.P. Reddy who died in harness on 15.11.2004 while working as Assistant Engineer in the Medical and Health Department. The first petitioner is the adopted daughter of the said K.S.P. Reddy. An application was made seeking compassionate appointment in favour of the first petitioner pursuant to the death of the abovementioned KSP Reddy. The said application was rejected by the respondent. Aggrieved by the same, the petitioners approached the A.P. Administrative Tribunal by way of the abovementioned O.A. unsuccessfully and hence the present writ petition.

Though there was some dispute about the actual date of adoption of the first petitioner, the Tribunal recorded a finding that the adoption of the first petitioner dates back to 22.08.1989, the correctness of which we do not propose to examine. The Tribunal rejected the relief on the ground that as per G.O.Ms.No.612, General Administration (Ser.A) Department, dated 03.10.1991, no compassionate appointment could be granted in favour of an applicant (child of the deceased employee) if such child does not attain the age of majority at least within two years after the date of the death of the employee. The Tribunal recorded a finding in the present case

that the first petitioner did not attain the majority till 22.02.2007, and therefore, in view of the prohibition in the abovementioned G.O., the petitioner is not entitled to any relief.

We do not find any reason warranting interference with the conclusions reached by the Tribunal. The writ petition is therefore without merit and the same is accordingly dismissed at the stage of admission. However, as recorded by the Tribunal, the respondent is directed to pay the ex-gratia to the applicant within a period of four weeks from today. No costs.

JUSTICE J.CHELAMESWAR

JUSTICE P.SWAROOP REDDY

25TH JANUARY, 2007
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT PETITION No.1348 OF 2007

(Per Sri Justice J.Chelameswar)

25th JANUARY, 2007